

**DEPARTMENT OF
PUBLIC HEALTH AND HUMAN SERVICES**



Brian Schweitzer
GOVERNOR

Anna Whiting Sorrell
DIRECTOR

STATE OF MONTANA

www.dphhs.mt.gov

Human and Community Services Division
111 N Jackson
Helena MT 59601
Phone 406-444-1788

Fax 406 444-2547

PO BOX 4210
HELENA, MT 59604-4210
(406) 444-5622
FAX (406) 444-1970

August 1, 2012

TO: All ABD Medicaid Policy Manual Holders
All Family Medicaid Policy Manual Holders
All TANF Cash Assistance Policy Manual Holders
All SNAP Policy Manual Holders

FROM: Nancy Clark, ABD Medicaid Policy Specialist
Teri McDonald, Family Medicaid Policy Specialist
Stephanie Wilkins, TANF Policy Specialist
Tammy Poppe, SNAP Policy Specialist

SUBJECT: Bulletin MA-111a (replaces MA-111 dated 7/1/12)
Bulletin FMA—68a (replaces FMA-68 dated 7/1/12)
Bulletin TB- 73
Bulletin SNAP-91

TANF Manual: Place this bulletin at the beginning of TANF 400 and 500
ABD MA Manual: Place this bulletin between pages 2 and 3 of MA 402-2 and between pages 2 and 3 of MA 501-2
FMA Manual: Place this bulletin between pages 2 and 3 of FMA 402-2 and between pages 2 and 3 of FMA 501-2
SNAP Manual: Place this bulletin at the beginning of SNAP 400 and 500

SUBJECT: Cobell vs. Salazar

REFERENCE: Medicaid - P.L. 111-5, American Recovery and Reinvestment Act of 2009 (ARRA)
TANF and SNAP – P.L. 111-291, Claims Resolution Act of 2010

EFFECTIVE DATE: Immediately upon receipt

INTRODUCTION: Cobell et al vs. Salazar is a class action lawsuit combining multiple lawsuits filed by individual members of several tribes to recover funds related to individual interests in Indian land, funds and other

assets held in trust by the federal government. This settlement affects individual tribal members across the country, including members of most federally recognized tribes west of the Mississippi River.

NEW POLICY:

TANF - Income derived from the Cobell settlement will be excluded as income the month of receipt and as a resource for a period of 12 months beginning on the date it was received.

If a household has resources which exceed the resource limit for TANF, the retained amount, up to 12 months after the month of receipt, must be deducted from the countable balance of the type of resource in which it is retained (i.e., savings, checking, cash). If the remaining countable resources are less than the allowable resource limit for the program, the household is resource eligible.

Medicaid- Income derived from the Cobell settlement will be excluded as income and as a resource as long as the funds can be specifically identified as being from that source. The first purchase with excluded Native American funds will also retain this exclusion.

SNAP - Income derived from the Cobell vs. Salazar settlement will be excluded as income the month of receipt and as a resource for a period of 12 months beginning on the date it was received. Due to expanded categorically eligible (ECE) policy, there is no need to do any special calculation through the 12 month period to determine if the household is resource eligible

NOTE:

In addition, an Indian Education Scholarship Fund will be established from this settlement. Educational income received from this fund is excluded for all programs.

**UPDATED MANUAL MATERIAL WILL BE DISTRIBUTED AS SOON AS POSSIBLE.
UNTIL THAT TIME, USE THIS BULLETIN AS A GUIDE. IF YOU HAVE ANY QUESTIONS,
PLEASE CONTACT YOUR REGIONAL POLICY SPECIALIST.**

